

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) NAKIA JOHNSON, an individual,)
Plaintiff,)
v.) Case No. CIV-20-223-D
1. AMAZON.COM, INC.,) JURY TRIAL DEMANDED
2. EBAY, INC.,)
Defendants.)

**PLAINTIFF'S RESPONSE TO THE COUNTERCLAIMS
OF DEFENDANT AMAZON.COM, INC.**

COMES NOW the Plaintiff, Nakia Johnson, by and through his attorney of record, Stephen L. McCaleb of the firm Derryberry & Naifeh, LLP, and for his Response to the Counterclaims of Defendant, Amazon.com, Inc. (“Amazon”) [Doc. No. 30]. To the extent there are no admissions, Plaintiff denies. Plaintiff alleges and states as follows:

1. Plaintiff admits that the legal authority is correct. Plaintiff lacks sufficient knowledge or information to form a belief as to the truth of the allegations of the last sentence of paragraph 1 of Defendant Amazon's Counterclaims.
2. Admitted.
3. Plaintiff admits but does dispute the fact that it is simple text and artwork.

To the extent a further response is required, Plaintiff denies.

4. Admitted.
5. Admitted.

6. Denied.
7. Admitted, to the extent the works may be interpreted as similar.
8. Admitted upon information and belief. To the extent a further response is required, Plaintiff denies.
9. Admitted.
10. Denied to the extent that it is speculative.
11. Denied to the extent that it is speculative.
12. Denied.
13. Denied.
14. Denied.
15. Denied.
16. Denied to the extent that it is a question of law and denies there was any plagiarism.
17. Denied.
18. Denied.
19. Denied to the extent that it is a question of law. To the extent a further response is required, Plaintiff denies.
20. Plaintiff lacks knowledge or information to form a belief s to the truth of the allegations of paragraph 20 of Defendant Amazon's Counterclaim. To the extent a further response is required, Plaintiff denies.

21. Plaintiff lacks sufficient knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 21 of Defendant Amazon's Counterclaim. To the extent a further response is required, Plaintiff denies.

22. Plaintiff lacks knowledge or information to form a belief s to the truth of the allegations of paragraph 22 of Defendant Amazon's Counterclaim. To the extent a further response is required, Plaintiff denies.

23. Denied.

24. Plaintiff lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 24 of Defendant Amazon's Counterclaim. To the extent a further response is required, Plaintiff denies.

25. Plaintiff lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 25 of Defendant Amazon's Counterclaim. To the extent a further response is required, Plaintiff denies.

26. Plaintiff lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 26 of Defendant Amazon's Counterclaim. To the extent a further response is required, Plaintiff denies.

27. Defendant Amazon repeats and realleges the allegations in the preceding paragraphs of its Counterclaims as if fully set forth herein. Therefore, Plaintiff's previous responses are incorporated herein.

28. Paragraph 28 involves a legal conclusion in which a response is not required and therefore denies.

29. Denied.

30. Denied.

31. Denied.

32. Objection as it is speculative. Plaintiff does not have knowledge on what the Copyright Office would have done. To the extent a further response is required, Plaintiff denies.

33. Denied.

34. Defendant Amazon repeats and realleges the allegations in the preceding paragraphs of its Counterclaims as if fully set forth herein. Therefore, Plaintiff's previous responses are incorporated herein.

35. Plaintiff is not aware what access Defendant Amazon had regarding to pre-suit. To the extent a further response is required, Plaintiff denies.

36. Plaintiff is not aware what access Defendant Amazon had regarding to pre-suit. To the extent a further response is required, Plaintiff denies.

37. Denied.

38. Denied.

39. Defendant Amazon repeats and realleges the allegations in the preceding paragraphs of its Counterclaims as if fully set forth herein. Therefore, Plaintiff's previous responses are incorporated herein.

40. Admitted.

41. Admitted.

42. Amazon's paragraph 42 calls for a legal conclusion. To the extent another party is required, Plaintiff seeks leave to add. To the extent a further response is required, Plaintiff denies.

43. Defendant Amazon repeats and realleges the allegations in the preceding paragraphs of its Counterclaims as if fully set forth herein. Therefore, Plaintiff's previous responses are incorporated herein.

44. Admitted.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

50. Denied.

WHEREFORE, having fully answered the allegations contained in Defendant Amazon's Counterclaims, Plaintiff prays for judgment against Amazon, that this Court find Amazon has infringed on Plaintiff's copyright and that Plaintiff's Registration No. VA-1-888-770 be declared valid and enforceable, that the Court award Plaintiff his full attorney fees and costs pursuant to 17 U.S.C. § 505, and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ Stephen L. McCaleb

Stephen L. McCaleb, OBA No. 15649

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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of March, 2021, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following registrants:

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/s/ Stephen L. McCaleb